

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1)	Pictometry International Corp.,)	
	a Delaware corporation,)	
)	
	Plaintiff,)	
)	
v.)	Case No.
)	
(1)	Aerial Cartographics of America, Inc.,)	
	a Florida corporation, and)	
(2)	Ofek Aerial Photography International,)	
	Ltd., a foreign corporation,)	
)	
	Defendants.)	

COMPLAINT

Plaintiff, for its complaint and claim against Defendants, alleges as follows:

Jurisdiction and Venue

1. This Court's jurisdiction over this Complaint is founded under the United States Patent Laws, 35 U.S.C. § 271, *et. seq.* and under 28 U.S.C. § 1338(a) which jurisdiction is exclusive of the Courts of the states.

2. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400.

The Parties and Patent-in-Suit

3. Plaintiff Pictometry International Corp. is a Delaware corporation having a principal place of business in Rochester, New York. Plaintiff offers specialized aerial photography services throughout the United States.

4. Defendant Aerial Cartographics of America, Inc. ("ACA") is a Florida corporation having a principal place of business located at 1722 West Oak Ridge Road,

Orlando, Florida. ACA provides specialized aerial photography services throughout the United States.

5. Defendant Ofek Aerial Photography International, LTD (“Ofek”) is an Israeli corporation having a principal place of business at 22 Habonim St., Netanya 42170, Israel. Ofek is doing business in the United States and maintains an office located at 5909 West Loop South, Suite 555, Bellaire, Texas. Ofek provides specialized aerial photographic services.

6. United States Patent No. 5,247,356 (hereinafter the “‘356 patent”), entitled Method and Apparatus for Mapping and Measuring Land, was duly and legally issued on September 21, 1993, to John A. Ciampa, who is the inventor of the invention claimed in the ‘356 patent. A copy of the ‘356 patent is attached as Exhibit A hereto. Mr. Ciampa subsequently assigned his entire right, title and interest in and to the ‘356 patent to Plaintiff. A true and correct copy of the assignment is attached as Exhibit B hereto.

7. The ‘356 patent describes a method and apparatus which enables detailed and accurate measurements of ground features to be determined from certain types of aerial photographs. For example, the methods claimed in the ‘356 patent enable the user to accurately measure the height and width of a building or the dimensions of a piece of land using a variety of aerial photographs.

Count I

ACA’s Infringement of the ‘356 Patent in violation of 35 U.S.C. § 271(a)

8. Plaintiff realleges and incorporates as if fully set forth herein the allegations set forth in ¶¶ 1-7.

9. In connection with its aerial photography services, Ofek has offered for sale and/or sold in the United States a product under the name "MultiVision." The MultiVision product enables the user to practice a method for obtaining detailed and accurate measurements of ground features which can be determined from certain types of aerial photographs.

10. Ofek licensed or sold the MultiVision product to ACA and provided instructions, guidance and methodologies to ACA on the use of the MultiVision product.

11. ACA has offered for sale, sold and/or used the MultiVision product in the United States.

12. ACA's offer for sale, sale and/or use of the MultiVision product in the United States constitutes an infringement of one or more claims of the '356 patent in violation of 35 U.S.C. § 271(a).

13. ACA is continuing to commit the actions complained of above. Plaintiff has suffered irreparable harm as a result of ACA's infringement of the '356 patent as complained of herein. Unless and until ACA is enjoined from continuing its infringing activities, Plaintiff will continue to be irreparably harmed.

Count II

Ofek's Infringement of the '356 Patent in violation of 35 U.S.C. § 271(b)

14. Plaintiff realleges and incorporates as if fully set forth herein the allegations set forth in ¶¶ 1-13.

15. By virtue of its having provided instructions to ACA on the use of the MultiVision product and ACA's subsequent offer for sale, sale and/or use of the MultiVision

product in the United States, Ofek actively induced ACA's infringement of the '356 patent in violation of 35 U.S.C. § 271(b).

Count III

Ofek's Infringement of the '356 Patent in violation of 35 U.S.C. § 271(c)

16. Plaintiff realleges and incorporates as if fully set forth herein the allegations set forth in ¶¶ 1-15.

17. By virtue of its license or sale of the MultiVision product to ACA and ACA's subsequent offer for sale, sale and/or use of the MultiVision product in the United States, Ofek contributed to ACA's infringement of the '356 patent in violation of 35 U.S.C. § 271(c).

WHEREFORE, Plaintiff requests that the Court enter judgment against Defendants and in favor of Plaintiff, decreeing as follows:

a) That a preliminary injunction and a permanent injunction issue restraining each of Defendants and their officers, agents, servants, representatives, attorneys and employees, and any and all persons in active concert or participation with them, from infringing the '356 patent;

b) That Plaintiff be awarded from each of Defendants an amount of money equal to the actual damages suffered by Plaintiff or a reasonable royalty pursuant to 35 U.S.C. § 284, whichever is greater, arising from the Defendants' infringement of the '356 patent, and that to the extent that such damages or reasonable royalty resulted from Defendants' joint activities that each Defendant be found jointly and severally liable for such damages or reasonable royalty;

c) That Defendants be required to pay an assessment of costs incurred in this suit;

d) That Plaintiff be awarded such other and further relief which the Court deems proper.

**JURY TRIAL
DEMANDED**

Respectfully submitted,

Date: August 15, 2005

s/Joseph P. Titterington
G. Neal Rogers
Joseph P. Titterington
Robert Trent Pipes
Dunlap, Coddling & Rogers, P.C.
1601 Northwest Expressway, Suite 1000
Oklahoma City, Oklahoma 73118
Telephone: (405) 607-8600
Facsimile: (405) 607-8686